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FUJITSU COMPUTER PRODUCTS OF AMERICA, INC.
14 and FUJITSU AMERICA, INC.
and Defendant FUJITSU LIMITED

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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

20 MOBILE STORAGE TECHNOLOGY, INC.,

CASE NO. C09-03342 JF (PVT)

21 Plaintiff,

22 v.
23 FUJITSU LTD., et al.,
24 Defendants.
**STIPULATION AND
[PROPOSED] ORDER TO
CHANGE TIME PURSUANT
TO CIVIL L.R. 6-2, AS MODIFIED BY
THE COURT**

25
26 AND RELATED COUNTERCLAIMS.

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1 Pursuant to Local Rule 6-2, plaintiff Mobile Storage Technology, Inc. ("MST") and
2 defendants Fujitsu Limited, Fujitsu Computer Products of America, Inc. and Fujitsu America, Inc.
3 (collectively, "Fujitsu") hereby stipulate and agree as follows: to and request an order staying the
4 litigation, including all hearings and the filings, exchanges, briefings, and/or hearings provided for
5 under the Patent Local Rules and the service of and/or response to any discovery served by any
6 party, for approximately six weeks. Pursuant to Local Rule 6-2(1), the Parties set forth the reasons
7 for this request as follows:

8 On March 31, 2010, MST and Fujitsu participated in a court-ordered mediation pursuant to
9 ADR Local Rule 6, before the court-appointed mediator, Daniel Bergeson.

10 During the March 31 mediation, the Parties and the mediator concluded that settlement of
11 this action would be facilitated significantly by continuing the mediation for approximately thirty
12 days, by staying the deadlines in the litigation during that period, and by continuing certain dates by
13 roughly thirty days as well. Accordingly, Parties stipulated and agreed to extend the certain claim
14 construction deadlines to facilitate the continuation of mediation discussions pursuant to Civil L.R.
15 6-2 (DOCKET No. 48); and the Court granted that extension (DOCKET No. 52).

16 The mediation efforts are continuing, and the Parties and the mediator continue to believe
17 that settlement of this action would be facilitated significantly by continuing the mediation for
18 approximately six weeks, by staying the deadlines in the litigation during that period, and by
19 continuing certain dates by up to six weeks as well. This additional time is needed to allow for
20 rescheduling of the mediation session, which requires advance planning due to the need for
21 representatives of Defendant Fujitsu Limited to travel from Japan and the need for the
22 representative of Defendants Fujitsu America and Fujitsu Computer Products of America to
23 recuperate from surgery scheduled for May 10.

24 The Parties and the mediator believe that to proceed with litigation activities over the next
25 six weeks and to meet the claim construction deadlines as currently scheduled would undercut the
26 parties' settlement efforts and could well prove to be a waste of the Court's and the parties' time
27 and resources.

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1 IT IS HEREBY STIPULATED AND AGREED that except for the ongoing mediation
 2 efforts and as expressly set forth below, all activities in this action shall be stayed for six weeks,
 3 and that certain pre-trial and claim construction deadlines should be rescheduled as follows:
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5	Event	Current Schedule	Proposed Schedule
6	Case Management Conference	April 30, 2010	June 11, 2010
7	Hearing on Fujitsu's Motion for Leave to Amend Invalidity Contentions	April 30, 2010	June 11, 2010
8	Pat. L.R. 4-3 Joint Claim Construction Stmt	May 21, 2010	June 30, 2010
9	Deadline to Complete Claim Construction Discovery	June 9, 2010	July 21, 2010
11	MST to file and serve Opening Brief (Pat. L.R. 4-5(a))	June 30, 2010	August 11, 2010
13	Fujitsu to file and serve Responsive Brief (Pat. L.R. 4-5(b))	July 14, 1010	August 25, 2010
14	MST to file and serve Reply Brief (Pat. L.R. 4-5(c))	July 21, 2010	September 1, 2010
16	Claim Construction Tutorial	August 2, 2010 at 9 am	September 13, 2010 at 9 am
17	Claim Construction Hearing	August 9, 2010 at 9 am	September 20, 2010 at 9 am
19	Last Day to Hear Dispositive Motions	January 21, 2011	February 22, 2011

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1 Dated: April 27, 2010

CARR & FERRELL LLP

2 By: /s/ Christopher P. Grewe

3 KENNETH B. WILSON
4 CHRISTOPHER P. GREWE

5 Attorneys for Plaintiff and Counterclaim-Defendant
6 MOBILE STORAGE TECHNOLOGY, INC.

7 Dated: April 27, 2010

MORRISON & FOERSTER LLP

8 By: /s/ Charles S. Barquist

9 CHARLES S. BARQUIST
10 HECTOR G. GALLEGOS

11 Attorneys for Defendants and Counterclaim-Plaintiffs
12 FUJITSU COMPUTER PRODUCTS OF
13 AMERICA, INC. and FUJITSU AMERICA, INC.

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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18 Dated: April 28, 2010

19 
20 THE HONORABLE JEFFREY FOSEL
21 United States District Judge

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1 **SIGNATURE ATTESTATION**

2 Pursuant to General Order No. 45(X)(B), I hereby attest that I have obtained the
3 concurrence in the filing of this document from all the signatories for whom a signature is indicated
4 by a "conformed" signature (/s/) within this e-filed document and I have on file records to support
this concurrence for subsequent production for the court if so ordered or for inspection upon
request.

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7 Dated: April 27, 2010

/s/ Christopher P. Grewe

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CHRISTOPHER P. GREWE

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